



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
Public Information Office
(415) 865-7740
Lynn Holton, Public Information Officer

Release Date: July 30, 2001

Release Number: S.C. 30/01

SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 23, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-88 People v. Johnson, S097755. (A091500; 88 Cal.App.4th 420.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case concerns whether the trial court properly required, as a condition of probation, that defendant waive all presentence credits that would accrue under Penal Code section 2900.5 while he awaited placement in a residential treatment program and credits he might earn while in the program.

#01-89 People v. Johnson, S097857. (B139943; 88 Cal.App.4th 539.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

#01-90 People v. Harrah, S097882. (H020365; 88 Cal.App.4th 752.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

Johnson and Harrah both concern whether Penal Code section 288.5, subdivision (c), precludes conviction for continuous sexual abuse and for individual sex offenses committed against the same victim during the same time period, or whether the statute

(over)

precludes only multiple punishment. The court ordered briefing deferred in Harrah pending decision in Johnson.

#01-91 People v. Statum, S097715. (B142079; 88 Cal.App.4th 1181.) Petition for review after the Court of Appeal dismissed appeal. This case concerns whether the People had the right to appeal under Penal Code section 1238, subdivision (a)(10), from the trial court's order reducing defendant's offense, in a case under the three strikes law, to a misdemeanor.

DISPOSITIONS

#99-160 People v. Sandoval, S081438, was dismissed and remanded to the Court of Appeal.

#00-151 Winter v. DC Comics, S091998, was transferred to the Court of Appeal for reconsideration in light of Comedy III Productions, Inc. v. Gary Saderup, Inc., 25 Cal.4th 387.

The following cases were transferred to the Court of Appeal for reconsideration in light of In re Resendiz, 25 Cal.4th 230:

#00-12 Arredondo on Habeas Corpus, S084166.

#00-98 People v. Denser, S088995.

#00-17 Jiminez on Habeas Corpus, S084766.

STATUS

#99-158 People v. Hurtado, S082112. In this case, in which briefing was previously deferred pending decision in People v. Torres, S079575 (#99-124), the court ordered briefing on the issue of whether, in a proceeding under the Sexually Violent Predator Act, the trial court must instruct the jury that it is required to determine whether the defendant is likely to commit sexually violent predatory acts upon release, and, if so, whether the failure to give such an instruction was prejudicial in this case.

In the following cases, in which briefing was previously deferred pending decision in People v. Torres, S079575 (#99-124), the court ordered briefing deferred pending decision in People v. Hurtado, S082112 (#99-158):

#00-36 People v. Kelley, S085323.

#01-54 People v. Nguyen, S095925.

#99-195 People v. Thammavong, S083301.

#00-29 People v. Dacayana, S085498. In this case, in which briefing was previously deferred pending decision in People v. Torres, S079575 (#99-124), the court ordered briefing deferred pending decision in People v. Roberge, S094627 (#01-34), which presents an instructional issue in proceedings under the Sexually Violent Predators Act (Welf. & Inst. Code, § 6600 et seq.).

#01-46 People v. Plyler, S095569. In this case, in which briefing was previously deferred pending decision in People v. Torres, S079575 (#99-124), People v. Otto, S088807 (#00-101), and People v. Roberge, S094627 (#01-34), the court ordered briefing deferred pending decision in People v. Roberge, S094627 (#01-34) and People v. Otto, S088807 (#00-101), which present evidentiary and instructional issues in proceedings under the Sexually Violent Predators Act (Welf. & Inst. Code, § 6600 et seq.).

#01-75 People v. Bland, S097340. The court limited review to the issues contained in the Attorney General's petition for review.

#01-65 People v. Willis, S096349. The court limited review to the issues contained in the Attorney General's petition for review.

#